

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PHILIP J. PADILLA,
Petitioner,

v.

Case No. 24-C-1165

MICHAEL JUDGE,
Respondent.

DECISION AND ORDER

Magistrate Judge William E. Duffin has issued an order recommending the summary dismissal of a petition for a writ of habeas corpus filed by Philip J. Padilla. The petition challenges Padilla's 2018 conviction for child enticement. Magistrate Judge Duffin recommends dismissing the petition because Padilla has completed his sentence and supervision and therefore is no longer "in custody" for purposes of the federal habeas statutes. Although Judge Duffin noted that Padilla is still required to register as a sex offender under Wisconsin law, he recognized that the Seventh Circuit has held that Wisconsin's sex-offender registry statute does not impose conditions that result in "custody" for purposes of the habeas statutes. *Virsnieks v. Smith*, 521 F.3d 707, 718-20 (7th Cir. 2008).

Padilla has filed an objection to Magistrate Judge Duffin's recommendation. However, Padilla does not dispute that he has completed his sentence and is no longer on active supervision. Further, Padilla does not develop a legal argument challenging Judge Duffin's conclusion that the sex-offender registry law does not impose a form of "custody." Accordingly, I see no grounds for disagreeing with Judge Duffin's recommendation and will overrule Padilla's objection.

For the reasons stated, **IT IS ORDERED** that Magistrate Judge Duffin's recommendation is **ACCEPTED** and the petition is **DISMISSED** for lack of jurisdiction.

The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 7th day of November, 2024.

/s/ Lynn Adelman

LYNN ADELMAN

District Judge